



Alan C. Lloyd, Ph.D.  
Agency Secretary

# California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control  
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment  
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger  
Governor

Certified Mail: 7003 1680 0000 6174 7718

March 30, 2006

Mr. Tej Maan, Program Manager  
Yuba County Environmental Health  
915 8th Street, Suite 123  
Marysville, California 95901

Dear Mr. Maan:

The California Environmental Protection Agency (Cal/EPA), Office of Emergency Services, Office of the State Fire Marshal, Department of Toxic Substances Control, and the State Water Resources Control Board conducted a program evaluation of Yuba County Environmental Health's Certified Unified Program Agency (CUPA) on August 23<sup>rd</sup> and 24<sup>th</sup>, 2005. The evaluation was comprised of an in-office program review and field inspections. The state evaluators completed a Certified Unified Program Agency Evaluation, Summary of Findings with your agency's program management staff, which includes identified deficiencies, preliminary corrective actions and timeframes. Two additional evaluation documents are the Program Observations and Recommendations and the Examples of Outstanding Program Implementation. I have reviewed the enclosed copy of the Summary of Findings and I find that Yuba County Environmental Health's program performance is satisfactory with some improvement needed. Cal/EPA's Unified Program staff will coordinate with your agency to track the correction of any identified deficiencies over the time frame and schedule included in the Summary of Findings.

Thank you for your continued commitment to the protection of public health and the environment. If you have any questions or need further assistance, you may contact Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or [jbohon@calepa.ca.gov](mailto:jbohon@calepa.ca.gov).

Sincerely,

Don Johnson  
Assistant Secretary  
California Environmental Protection Agency

Enclosures  
cc: See next page

Tej Maan  
March 30, 2006  
Page 2

cc: Mr. Tej Maan, Program Manager (Sent Via Email)  
Yuba County Environmental Health  
915 8th Street, Suite 123  
Marysville, California 95901

Mr. Terry Snyder (Sent Via Email)  
State Water Resources Control Board  
P.O. Box 944212  
Sacramento, California 94244-2102

Mr. Thomas Asoo (Sent Via Email)  
Department of Toxic Substance Control  
700 Heinz Avenue, Suite 210  
Berkeley, California 94710-2721

Mr. Francis Mateo (Sent Via Email)  
Office of the State Fire Marshal  
P.O. Box 944246  
Sacramento, California 94244-2460

Mr. Jack Harrah (Sent Via Email)  
Governor's Office of Emergency Services  
P.O. Box 419047  
Rancho Cordova, California 95741-9047

Ms. Liz Haven (Sent Via Email)  
State Water Resources Control Board  
P.O. Box 944212  
Sacramento, California 94244-2102

Mr. Charles McLaughlin (Sent Via Email)  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, CA 95812-0806

Ms. Vickie Sakamoto (Sent Via Email)  
Office of the State Fire Marshal  
P.O. Box 944246  
Sacramento, California 94244-2460

Mr. Moustafa Abou-Taleb (Sent Via Email)  
Governor's Office of Emergency Services  
P.O. Box 419047  
Rancho Cordova, California 95741-9047



STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY



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**CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION  
SUMMARY OF FINDINGS**

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**CUPA: Yuba County Environmental Health**

**Evaluation Date: August 23<sup>rd</sup> and 24<sup>th</sup>, 2005**

**EVALUATION TEAM**

**Cal/EPA: Dennis Karidis**  
**SWRCB: Terry Snyder**  
**DTSC: Tom Asoo**  
**OES: Jack Harrah**  
**OSFM: Francis Mateo**

This Summary of Findings includes the deficiencies identified during the evaluation, observations and recommendations for program improvement, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management.

Questions or comments can be directed to Dennis Karidis at 916-327-9558.

	<b><u>Deficiencies</u></b>	<b><u>Preliminary Corrective Action</u></b>	<b><u>Timeframe</u></b>
<b>1</b>	The CUPA is not fully implementing the CalARP program. The CUPA is currently reviewing inventory information to determine if stationary sources will be subject to the CalARP program.	The CUPA will identify all potential CalARP facilities and either request RMPs or initiate preliminary risk determinations as appropriate.	1 Year
<b>2</b>	The CUPA is not inspecting every business subject to the business plan program every 3 years. The CUPA inspected 31 of 424 total Business Plan facilities.	The CUPA has hired two full time inspectors to implement the Unified Program. The CUPA will inspect 1/3 of its Business Plan facilities over the next year.	1 Year

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

<b>3</b>	The CUPA is not inspecting all Hazardous Waste Generators in their jurisdiction in accordance with their stated inspection frequency. The CUPA inspected 31 of 271 hazardous waste generators.	The CUPA has hired two full time inspectors to implement the Unified Program. The CUPA will inspect 1/3 of its Hazardous Waste Generators over the next year.	1 Year
<b>4</b>	The CUPA's Inspection and Enforcement Program Plan has not been fully implemented. In some instances, the CUPA has exhausted all informal enforcement options and has not continued with formal enforcement as described in their plan's graduated series of enforcement actions.	Get the Inspection and Enforcement Program Plan approved and implemented.	6 Months
<b>5</b>	The CUPA is not regulating all farms subject to the Business Plan and Hazardous Waste Generator programs. The CUPA sent out 500 surveys to agricultural handlers that may be subject to the programs. 75% percent of those surveys were returned, most of which were determined to be subject to the programs. Of the 500 agricultural handlers surveyed, only 132 business plans were received.	The CUPA will continue to identify and regulate all agricultural handlers subject to the Business Plan and Hazardous Waste Programs.	1 Year
<b>6</b>	The CUPA does not leave a notice to comply with the facility at the conclusion of the inspection. The CUPA currently sends a notice to comply to the facility within a few days of completing the inspection.	Begin leaving a notice to comply with the facility at the conclusion of the inspection.	Immediately

**CUPA Representative** \_\_\_\_\_

(Print Name)

(Signature)

**Evaluation Team Leader** \_\_\_\_\_

(Print Name)

(Signature)

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

**PROGRAM OBSERVATIONS AND RECOMMENDATIONS**

1. **Observation:** During the oversight inspection at Lally Food Mart, the CUPA did not obtain the owner's signature acknowledging the inspection findings.

**Recommendation:** Develop a form for the owner to sign acknowledging the inspection findings.

2. **Observation:** During the oversight inspection at Lally Food Mart, the CUPA did not check the drain valve on the overfill spill bucket or ascertain if there was a way to empty the spill bucket.

**Recommendation:** Add this to the inspection checklist.

3. **Observation:** The UST files contain Secondary Containment Reports. These reports contain multiple pages for each of the testing procedures on various equipment types. In some cases these pages are not utilized.

**Recommendation:** Do not file unnecessary pages of a report in the files, including multiple copies of the same document. This will help manage the file size and reduce the number of storage shelves needed.

4. **Observation:** The CUPA does not appear to be taking advantage of available Business Plan exemptions with respect to agricultural handlers.

**Recommendation:** With appropriate documentation and/or public notice and hearing, there is no reason that the exemptions outlined in Health and Safety Code section 25503.5(c)(2) [substance], (3) [handler], and (4) [substance for handler] should not apply in addition to the farm exemption in HSC 25503.5(c)(5).

5. **Observations:** The CUPA has a well developed Business Plan program, however, there was no indication of coordination or correspondence with the fire departments that the plans were sent and received. In addition, there was no indication that the fire chiefs require fire code information such as the fire code hazard class or hazardous materials quantities lower than those required by the regulations.

**Recommendations:** The CUPA should establish a mechanism to indicate that they sent each business plan to the fire departments within 15 days after each business submits the required plans and inventory statements. Additionally, they should show that the fire departments received the plans in a timely manner and indicate whether the fire chiefs require more information to be included in the plans and inventory statements.

6. **Observation:** The CUPA does not ask for consent to conduct inspections, take samples and photographs.

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

**Recommendation:** The CUPA should ask for consent to conduct inspections, take samples and photographs. In addition, document the name and title of the individual who has authority to grant consent. Receiving consent establishes a solid legal foundation supporting the inspector's right to conduct the inspection.

7. **Observation:** The CUPA has implemented the use of portable laptops/tablets during field inspections so that inspection reports and Notice to Comply/Summary of Violations can be generated out in the field. However, the CUPA does not have a portable printer for issuing the Inspection Report and Notice to Comply/Summary of Violations out in the field. Hazardous Waste statute requires the inspector to leave a Notice to Comply/Summary of Violations at the conclusion of the inspection.

**Recommendation:** The CUPA should look into the option of purchasing a portable printer so that the Inspection Report and Notice to Comply/Summary of Violations can be issued at the conclusion of the inspection.

8. **Observation:** The CUPA does not typically take photographs during their inspections.

**Recommendation:** Photographs are useful to document violations and the conditions at the facility. Photographs can help strengthen your case should enforcement become necessary. Always remember to date stamp photographs.

9. **Observations:** Some minimal observations were noted in inspection reports, but the majority of files reviewed did not include observations. The deficiencies and corrective measures were identified in the Notice to Comply/Summary of Violations; however, there were times when additional details should have been provided.

**Recommendations:** The CUPA should try and utilize the observation section of the inspection reports to help paint a better picture of the facility, such as, the condition of the facility, the processes observed, the different records reviewed, and documenting what was discussed with the facility.

10. **Observation:** The CUPA was not sure if appliance recyclers are being identified for hazardous waste inspections.

**Recommendation:** The CUPA should ensure that all appliance recyclers are identified and included in the hazardous waste inspection schedule.

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

**EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION**

1. The CUPA uses portable laptops/tablets with inspection reports/checklists. Inspection reports and Notice to Comply/Summary of Violations are now being generated electronically and are accessible from their Access database system. The CUPA is also planning on scanning past hard copy records so they can be made available on the computer.
2. The CUPAs files are very well organized by chronology and subject matter.
3. Confidential information is segregated within the CUPA's files for easy removal during public information requests.
4. The CUPA required several safety precautions during the oversight inspection at Lally Food Mart. For example, a fire extinguisher was placed by the fuel dispensers and orange safety vests were used.
5. The CUPA is using a compliance incentive program for those businesses that have consistently complied with all Unified Program and county requirements.
6. The CUPA maintains inventory information in its access database and is in the process of distributing it to each of the fire departments in the county electronically.
7. The CUPA has access to a Global Positioning System that they use to document specific areas of concern on their inspection reports.
8. The CUPA's combined annual inventory certification and triennial business plan certification form is clearly worded and easy for the businesses to understand and use.